THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.15117 of 2005

Dated: 06.06.2006

Between
M/s. Sri Raghavendra Trading Company,
Aurangabad village, Ausulapally Post,
Medak Mandal & District, rep., by its
Partner, Mr.Y.Balraj, S/o Bhoomaiah, aged
About 42 years.

…..Petitioner

and

1. The Secretary, Agricultural Market Committee, Medak
and another.

….Respondents

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W.P.No.15117 of 2005

ORDER:

This writ petition is filed being aggrieved by an order, dated 25.05.2005 in Proceedings No.AMCM/22/2003-2004/170-174 on the file of the Secretary, Agricultural Market Committee, Medak.

It seems that the petitioner filed returns for the year 2003-2004 for the purpose of market fees to the Agricultural Market Committee, Medak and also paid the fees assessed thereon. Thereafter on 17.03.2004, the Vigilance and Enforcement Officer, (Sales Tax Department) Medak, inspected the premises of the petitioner and detected the total turn over of the petitioner was Rs,58,23,516/- , which is more than what was paid by the petitioner. Thereafter, the Sales Tax Department has passed a separate order demanding balance sales tax against the undisclosed transactions. Aggrieved by the same, the petitioner preferred an appeal. Though the appeal is pending, the Market Committee has called for explanation as to the undisclosed transaction. Initially, the petitioner submitted an explanation stating that all the records were seized by the Sales Tax Department and therefore, he could not give any explanation. However, thereafter, the petitioner obtained xerox copies of the assessment and other records from the sales tax authorities and submitted the same to the respondent through a letter dated 16.04.2005 stating that the conclusion of the vigilance officer was incorrect and it is necessary to go through the xerox copies of the books and accounts and make its own assessment of the liability and collect the fees accordingly. In spite of this, the said records submitted by the petitioner were not looked into and the impugned

order was passed simply stating that again, the rice miller failed to pay the market fee and reply given in the reference 9th cited is not satisfactory. Except this, no other reasons were furnished in the impugned order.

I am of the considered opinion that once the xerox copies were produced by the petitioner, it is incumbent on the respondent to look into them and pass reasonable order. The impugned order does not reveal as to any such exercise made by the respondents.

In view of the above, the impugned order is liable to be set aside and is accordingly aside. The respondent is directed to look into all the records furnished by the petitioner through his letter dated 16.04.2005 and any other material that may be produced by the petitioner in this regard and pass appropriate orders as per law.

The writ petition is allowed accordingly. No costs.

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06.06.2006

rkk